

Juries - 1927

California

This Jury All Black

OROVILLE, CALIF. (P.C.N.B.)—Refuting the accusation that Negroes shield and uphold one another in crime, Cary Carlson, recently arrested for illegal possession of liquor, was tried, convicted, and sentenced by a jury composed entirely of Negroes.

Black American Jury Finds Black Guilty

OREVILLE, CAL., Feb. 28.—(Pacific Coast News Bureau)—Refuting the white man's accusation that coloreds shield and uphold one another in crime, Cary Carlson, colored, recently arrested for illegal possession of liquor, was tried, convicted and sentenced by a jury composed entirely of coloreds.

Denying the charges and asking for a trial "by a jury of his peers," 12 Butte County coloreds summoned by Justice of the Peace Harry Hills, sat in judgement and decided the fate of their fellow townsman.

Sworn to return a fair and impartial verdict, the 12 jurymen emerged from their deliberations after one hour and their spokesman said: "Your Honor, we find the defendant guilty." Five witnesses testified.

Juries - 1927
Discrimination - 1927

Florida.

**TAKES ACTION
AGAINST ALL
WHITE JURIES**

New York, Dec. 2.—Louis Marshall, noted legal counsel, has drawn up and forwarded to Attorney S. Decatur McGill of Jacksonville, Fla., a brief challenging the conviction of Abe Washington on the grounds that citizens have been barred from juries in Florida on account of race and color and that they were barred from the jury which heard Washington's case.

The case is now on appeal before the supreme court of the state of Florida. It is planned to take the case on appeal to the United States supreme court if necessary to strike a blow at the barring of citizens from jury service in southern states.

The brief quotes from affidavits, one by an attorney, stating that no Race citizens had been summoned for jury duty in Duval county, Florida, for 15 years; the other by the deputy sheriff of the county, saying that he had summoned no Race citizens for jury duty, although he knew them to be qualified for the court panel.

Juries - 1927

Kansas.

HEWITTE FIRST NEGRO TO SERVE ON JUSTICE OF PEACE JURY

Hearing Fails to Get Underway Until Late In Afternoon

Probably for the first time in the history of Flint a Negro was summoned to serve on a jury in the Justice of Peace Court Tuesday. Oliver Hewitte, 1713 Clifford, owner of a restaurant, completed a satisfactory jury for Attorney Roy M. Van Dyne, representing two defendants on a charge of disorderly conduct, and the Assistant Prosecutor Klien, after the court had been at a stand-

still over six hours.

Shortly after 4 o'clock Tuesday afternoon Hewitte was brought into the court room and sworn in for jury service. From early in the morning different men had been selected to complete the box, but at no time until the restaurant owner made his appearance did the counsel for the defendants consider it satisfactory.

Counsels in Heated Debate

Judge Frank Cain, the presiding justice was forced to rule at various intervals as the prosecuting attorney and attorney for the defense became engaged in heated debates of law.

When the jury was finally completed, Mr. Klien informed the men of the circumstances surrounding the case and then asked them several questions each. Mr. Van Dyne made several inquiries and announced his satisfaction.

8-19-27

On several occasions when the attorney representing the people scored the defense counsel for his plan and intention of rejecting certain jurymen the lawyer merely replied that the court knew what he wanted.

Ask Police Jury Stricken Out.

At the close of the testimony of two police officers, Mr. Van Dyne asked the court to exclude the jury while he made a motion. The request was granted. He then recited several decisions handed down by the higher courts and the code by which the persons were being held. Upon the ground that the officers had gone into a home without a warrant or without having

a complaint the attorney asked that their testimony be stricken from the minds of the jury.

Van Dyne Takes Exception

Judge Cain said that the law as recited by the defendant's counsel would have to be put to the jury. Mr. Van Dyne took exception to the court's ruling. That the attorney could appeal in a higher court his action was the recourse for the lawyer in the event he made a mistake, the judge stated.

At the suggestion of Mr. Klien the hearing of the defense was adjourned until Wednesday morning.

Hewitte, who formerly worked for the city, came to Flint a little over eight years ago. He secured work as janitor in the Health Department and later became one of the custodians in the Police Headquarters. About two years ago he became stricken while at work. Since his recovery, he has gone into business.

First Negro on Jury

The first Negro to serve on the jury was once called by a coroner to serve one Sunday night about six years ago when no one else could be found, Hewitte told a reporter for the American after the trial.

Hewitte has a daughter and son. He is the master of the Rose of Sherrill Lodge No. 4 of the Masonic Order. He is an active member of the Bethel M. E. Church. He said:

"I am very proud of the opportunity to serve on the jury after Attorney Van Dyne fought so bravely for me to have the right. Regardless of the defendants being colored I went according to my conception of just."

Juries - 1927

Maryland

NO COLORED ON FALL FEDERAL GRAND JURY

Commissioner Says No Name
Drawn From Among Num-
ber Put In Box

ANY CITIZEN ELIGIBLE
FOR GRAND JURY DUTY

Has Been Custom Here To
Include One Colored On
Each Panel

There was no colored person drawn on the Fall Grand Jury in the U. S. District Court here. Inquiry made by the AFRO-AMERICAN brought out the fact that it just happened that no colored name was drawn from the number placed in the box by the commission. While it has been the custom to see that at least one name of one colored man was pulled out of the box each term, there has been no discrimination and will not be, Commissioner Arthur L. Spamer told a reporter.

When asked as to the absence of a colored man on the present jury Judge Morris Soper declared that he had nothing to do with the appointment of juries and referred the reporter to the jury commissioners.

Two Commissioners
Federal juries are selected by a jury commission comprising one Democrat and one Republican. At present the commissioners are T. T. Tongue, Democrat and Arthur L. Spamer, Republican. The method of selecting the men is to have placed in a box a large number of eligibles selected by the commissioners and from this box the necessary number is drawn by a court attache. Since any citizen is subject to jury duty the names of any one may be sent to the commissioner to be placed in the box from which names are drawn.

Juries - 1927

Mississippi

White Jury In Court 6-25-21 MISSISSIPPI Pittsburg Is Dismissed

GULFPORT, Miss., June 23.—(By A. N. P.)—Because Negroes had been barred from the jury lists of the county the entire list of jurors was dismissed by Judge Walter A. White, Friday. T. N. Willoughby, attorney for the defense in the trial of Will Coleman, for the killing of Andrew J. Becker, automobile dealer, who was slain April 17, argued that the impanelling of a jury from a list from which all Negroes had been barred was illegal and unconstitutional.

Judge White agreed, saying, "A man's life is at stake and he is entitled to all the protection promised by the constitution, including that of a fair and impartial trial." The judge then ordered Sheriff Frank Duckworth and his deputies to round up a jury from the streets regardless of county lists. The trial was adjourned until such time as this new jury list could be obtained.

BLACK MEN IN SOUTH WILL SERVE ON JURY

GULFPORT, Miss. — Because Negroes had been barred from the jury lists of the country the entire list of jurors was dismissed by Judge Walter A. White, Friday.

T. N. Willoughby, attorney for the defense in the trial of Will Coleman, for the killing of Andrew J. Becker, automobile dealer who was slain April 17, argued that the impanelling of a jury from a list from which all Negroes had been barred was illegal and unconstitutional.

Judge White agreed, saying, "A man's life is at stake, and he is entitled to all the protection promised by the constitution, including that of a fair and impartial trial." The judge then ordered Sheriff Frank Duckworth and his deputies to round up a jury from the streets regardless of county lists.

TRIBUNE
NEW ORLEANS, LA.

JUN 10 1927

BARRING OF NEGROES INVALIDATES JURY

Mississippi Judge Dis-
misses Venire for Trial
Of Coleman

GULFPORT, Miss., June 9.—Because negroes had been barred from the jury lists of the county the entire county list of jurors was dismissed by Judge Walter A. White today.

T. N. Willoughby, attorney for the defense in the trial of Will Coleman, negro for the killing of Andrew J. Becker, automobile dealer who was slain April 17, argued that the impanelling of a jury from a list from which all negroes had been barred was illegal and unconstitutional.

Judge White agreed saying:

"A man's life is at stake and he is entitled to all the protection promised by the constitution, including that of a fair and impartial trial."

The judge then ordered Sheriff Frank Duckworth and his deputies to round up a jury from the streets regardless of county lists. The trial was adjourned until such time as this new jury list could be obtained.

RACE QUESTION BRINGS CONFUSION IN GULFPORT COURT

Down at Gulfport the fact that the names of negroes were not placed in the jury list to be drawn as jurors in order for the terms of circuit court, has caused some disturbance.

Moves by attorneys to cast aside the jurors on the grounds that only the names of white men had been allowed in the jury lists brought about a ruling of the judge that there was not

a legal jury, and a new jury was drawn from extra talesmen.

The charge was made that the supervisors would not allow the use of negroes names to go into jury box.

NEW ORLEANS, LA.

JUN 11 1927

MEANS NEGROES CAN NOW SERVE

Trial At Gulfport Brings
About Unusual
Conditions

GULFPORT, Miss., June 11.—(Special)—Quashing of the entire jury list of Harrison county by Judge W. A. White in the circuit court in the case of Will Coleman, Hancock county negro, charged with the murder of Andrew J. Becker, Bay St. Louis auto dealer, transferred here on a change of venue, means two things, that there is no legal list of names in the jury box from which jurors are drawn, and that hereafter negroes must not be excluded from the jury lists by the board of supervisors because they are negroes. The ruling of the court has upset the practice of the board of supervisors in this county for several years past in refusing to place the names of negroes on the jury lists.

Nullification of the jury list can be remedied by the court in the Coleman trial, for the law authorizes the circuit court judge in cases where jury lists are declared void for any reason, to direct the sheriff to summon jurors from the body of the people regardless of race or color. This has been done by Judge White and a new venire has been summoned to appear in court Monday morning, from which a jury to try Coleman will be selected.

Negroes Can Serve

Exclusion of negroes from jury lists is brought to an end in this county by the action of Judge White. In future the board of supervisors cannot exclude negroes from jury service because they are negroes. Names of negroes must go into the jury box the same as white people.

While the action of the court in the Coleman case has attracted a

By Associated Negro Press.

GULFPORT, Miss., June 15.—Because Negroes had been barred from the jury lists of the county the entire list of jurors was dismissed by Judge Walter A. White. T. N. Willoughby, attorney for the defense in the trial of Will Coleman, for the killing of Andrew J. Becker, automobile dealer, who was slain April 17, argued that the impanelling of a jury from a list which Negroes had been barred was illegal and unconstitutional.

Judge White agreed saying, "A man's life is at stake and he is entitled to all the protection promised by the constitution, including that of a fair and impartial trial." The judge then ordered Sheriff Frank Duckworth and his deputies to round up a jury from the streets regardless of county lists. The trial was adjourned until such time as this new jury list could be obtained.

ANT NEGROES ON MISSISSIPPI JURY

GULFPORT, Miss., June 14 (AN P)—Because Negroes had been barred from the jury lists of the country the entire list of jurors was dismissed by Judge Walter A. White, Friday. T. N. Willoughby, attorney for the defense in the trial of Will Coleman, for the killing of Andrew J. Becker, automobile dealer who was slain April 17, argued that the impanelling of a jury from a list from which all Negroes had been barred was illegal and unconstitutional.

Judge White agreed, saying, "A man's life is at stake and he is entitled to all the protection promised by the constitution, including that of a fair and impartial trial." The judge then ordered Sheriff Frank round up a jury from the streets regardless of county lists. The trial was adjourned until such time as this new jury could be obtained.

DISMISSES JURY LIST BECAUSE OF BAR TO NEGROES

Mississippi Judge Agrees

That Panel Was Illegally

Drawn

Negroes' Exclusion From Jury Scored With Little Avail

Custom Of Boards In Com- piling Jury List Of All Whites, Branded As Vi- olation of U. S. Law. Re- sults In Near Riot

GULPORT, Miss., June 15.—Some of the difficulties that the colored American has in receiving a fair and impartial trial in the South were evidenced here in the trial of Will Coleman, 25 years old, of Logtown, who was indicted and convicted of the murder of Andrew Becker, a white taxi-cab driver of Bay St. Louis. Much wrangling among the counsels developed over the selection of a non-prejudice jury, during which one jury was empaneled on the grounds of the unconstitutionality of the exclusion of colored Americans from a trial jury.

Mob Violence Threatened

Seemingly incensed by the race prejudice plea of the defense attorney threats of violence were heard among the crowds of whites who attended the trial. A heavy detail of deputy sheriffs Tuesday guarded the Harrison County jail following the conviction of Coleman after a trial lasting over one day. The jury that convicted him disagreed as to the punishment. Under Mississippi statutes, the life sentence automatically becomes the duty of the trial judge in the case of agreement.

Prejudice Seen

Counsels for Coleman, sensing the presence of considerable prejudice as the trial was started last week, knew that even though their client had a strong case of self-defense in the slaying he committed, no argument would save him. Attorney J. T. White of Guffport endeavored to forestall the almost inevitable intervention of race prejudice in the trial. He argued that his client's trial was being heard by prejudice jurors, and that members of his race should be represented among them, filing two motions, one to quash the indictment on the ground that Harrison County board of supervisors habitually had excluded Negroes from its official jury lists, and the other to quash the special venire of 40 men order by Judge White and assembled Thursday for

trial.

In Unconstitutional

Both motions were promptly overruled by the Judge. Theo. N. Willooughby, of Jackson, white-haired member of the defense trio of attorneys, move the court to quash the jury as empaneled in the morning, again raising the race question on federal constitutional grounds, and offering proof the colored Americans habitually were excluded from the county's jury lists.

"A man's life is at stake in this case," he said, "he is entitled to all protection guaranteed him by the constitution, including that of a fair and impartial trial." He sustained the motion of the defense attorney.

The original jury list was thrown into the junk pile, but nevertheless the new jury selected to try Coleman was the same as the original excepting for two different white men.

This dismissal of the trial jury on the grounds of exclusion of Negroes from the jury, was the second time that such a case has occurred in the State. Judge White referred to an Arkansas case, passed upon by the Supreme Court to the United States, which held jury lists drawn wittingly and habitually to the exclusion of Negro citizens to be violating the constitution.

Juries - 1927

New York

Colored Man Heads Jury Acquitting White Editor

For the first time in the history of Brooklyn a colored man, John H. Dickerson, acted as foreman of a jury. This occurred in the Supreme Court in the trial term, where Supreme Court Justice James Cropsey was presiding on May 5.

In the case where Mr. Dickerson was foreman there was a suit against William Hester, one of the owners of the Brooklyn Daily Eagle. Two white men that he discharged alleged that he had defamed them. The jury rendered a verdict in the favor of Mr. Hester.

Mr. Dickerson, who is a clerk in the Brooklyn office of a large insurance company, served on the jury during the entire trial. He has been active in the political life of the city for over a quarter of a century. He resides at 195 Wyckoff street.

Juries - 1927

Texas

OUR NEGRO GRAND JURY "BLOC!"

It is quite a reflection on Houston's and Harris County's large, taxpaying, property-owning, intelligent, loyal, patriotic and law-abiding Negro citizenry that only four or five black men can be found in all this big city and bigger county who have the qualifications (?) to serve as occasional members of Harris County grand juries! *The Informer*

Really, it seems passingly strange and peculiarly odd that the grand jury "wheel" of Harris County contains the names of the same Negroes every time an inquisitorial body is impaneled.

Instead of turning that wheel, as the law requires, it appears that the grand jury wheel in Harris County, as it relates to the Negro race, not only is not turned, but is barely moved!

The editor of The Informer has been residing in Houston for 16 years, and he has observed that the Negroes who are counted on to put over big programs, and who play an important part in all civic, fraternal, commercial and religious undertakings, are never counted or considered worthy to serve on the Harris County grand jury, or to grace any boards or directorates where the appointive power is vested in the hands of the other race.

It would be interesting, (and amusing, too, we fear) if some of our supposed "leading Negroes," who are always honored by "de w'ite fokes" when the latter have some honors to bestow upon "deserving" blacks who know their place and stay in it, would essay to head or direct any kind of citywide movement among our group here, especially one where intelligence, brains, initiative, resourcefulness and moral courage are required.

For several years the board of directors of Emancipation Park has been without its fifth member, all because the appointing powers, apparently, do not have another colored mannikin available for this post. 11-12-27

Isn't it funny that none of these colored grand jurors and few board members ever participate or contribute any time, energy or brains in the annual Community Chest drive, Y. M. C. A. membership campaign and other citywide efforts and programs?

It does appear to The Informer, and all right thinking persons of color, that the men who continue to enjoy such emoluments, honors and preferments, should be willing to contribute something in time and energy to their race and city where they get no financial remuneration nor enjoy empty honors for so doing.

If the criminal district judge and grand jury commissioners are not aware that there are other Negroes in Houston capable of and willing to serve on the Harris County grand jury; and if only the names of the "favored few" brethren of color appear on this peculiar grand jury wheel (which appears to have lost its faculty of rotating when it comes to the names of prospective Negro jurors); and if the names of other colored freeholders are not shown on the tax rolls of the county, then let them (the judge and commissioners) peruse the columns of the Negro papers published in Houston, and ascertain some additional Negroes of grand jury calibre. *Houston, Texas.*

Since the county seems to be passing around honors in placing a coterie of blacks on the grand jury, why not assume a more liberal attitude and pass the honor around to others of the "brethren" in Houston and Harris County?

No man should be selected to serve on the grand jury merely because of his ability to serve as a doorman or usher, or because Mr. So-and-So is his friend, or because he has lived here a long time. None of these qualifications count for aught, as such, unless he can render some special or particular service to the grand jury.

Houston seems long on this "old timer" stuff, seemingly unmindful of the fact that Methusaleh lived to reach 969 years; but the Holy Writ simply says that he lived and died, and not one word is written or handed down about what this Biblical "old timer" contributed to the betterment and advancement of his race and humanity.

This paper has no fight to wage on any of the colored citizens, per se, who have served on the grand jury of this county, but this paper, speaking for thousands of Negroes who cannot or are afraid to speak for themselves, is anxious to know why this unusual honor is confined to this group of the "favored few," and why every quarter, year after year, the supposed turn of the "grand jury wheel" produces one of these "faithful brethren?"

Anyway you take it, here is much food for thought; for we would be loath to believe that Harris County grand jury commissioners and our criminal district judge, who have to do with the selection of the grand jury of this county, would knowingly build up and maintain anything which had the remotest semblance of a "Negro grand jury ring;" and yet to state that these white citizens are of the opinion that this mere handful of Negroes are the only ones in the city and county with sufficient sense and ability to serve on this investigating body, is an unwarranted reflection and bold presumption upon the intelligence of our white citizens and public officials.

NEGROES FOR JURY SERVICE WANTED

The two white attorneys for a defendant charged with Murder in Dallas County who asked that the indictment be quashed on the grounds that there were no Negroes on the grand jury which brought in the charge have been gone one better by an attorney of their race in New Orleans who argued for Negroes on the jury which decided the fate of his client who also was charged with murder. As was the case in Dallas County, the case was quashed, this time by being continued indefinitely; and whatever intention was had of appealing to a higher court was lost.

In the case in Dallas County as well as in the case in New Orleans there is room for the suspicion that these cases were quickly disposed of in order that the appeal to a higher court would be made impossible and that there would be no opportunity for the airing of the question of Negroes for jury service. And this suspicion will not down. In fact, it appears that there is studied effort to render the raising of such a question impossible and the fact that few Negro lawyers of this state are criminal lawyers makes more possible the presumption that the all white jury is assured for some time to come. 11-5-27

But it is unfortunate for the race and for the practice of real civic equity in the states in which Negroes are prevented from serving on juries that such a situation maintains. Not only does it make easy the miscarriage of justice in cases where prejudice against race is present, but it

renders more easy the "railroading of Negroes in such cases as the many which arise from time to time when criminals of the other race cover up their skirts with the cry of "Negro" and some luckless innocent with black skin is brought in for trial before a jury not strictly of his peers. Time alone will not change the condition and it is not to be supposed that white lawyers will often run the risk of upsetting the traditions of their sections by making such pleas. And even when they do, it will be only in such cases as are relatively unimportant.

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Juries-1927

Texas

Alleged Practice of Evading Use of Negroes on Grand Jury Responsible For Sensational Demand of Lawyers Taylor and Irvin in Bonnie Kate Freeman Murder Trial

A strong effort to quash the indictment and the special venire jury panel in the Elnora Carter murder case, now on trial in Judge Grover Adam's court, was made at the outset Monday by T. K. Irwin and L. J. Taylor, her attorneys, when they presented motions to the court setting up the allegations that Negroes are discriminated against in Dallas because they are not allowed to serve as grand jury commissioners, grand jurors or on the petit juries.

The woman is on trial for the fatal shooting of Bonnie Kate Freeman the night of July 2. The shooting occurred at the Freeman's woman's home on Henry street.

In the motion to quash the special venire panel, from which the jury was to be selected, contended that the defendant had been discriminated against because names of no Negroes appeared on the special venire list, and further that names of no Negroes are placed in the jury wheel from which venire panels are drawn.

Taylor and Irwin set out in their motion to quash the indictment the allegation that it was illegal because Negroes are excluded from grand jury service in Dallas County because of the race, color and previous condition of servitude.

In attacking the indictment, the motion continued: "Because Dallas county entertains among its white population a strong antipathy and prejudice against the Negro race and the grand jury commissioners, under this same influence, discriminates against the Negroes by not naming any on the current grand jury."

For that reason the defense attorneys argued the indictment was illegal. They contended that Dallas criminal district judges, in respect for the social and political prejudices of white people against the Negroes, habitually select only white men as grand jurors.

Roger Tennant, one of three grand jury commissioners who selected the present grand jury, was

called as a witness in support of the contentions made by defendant's attorneys.

Dallas, Tex
Under questioning by Defense Attorney Taylor, Mr. Tennant readily admitted that names of no Negroes were considered when they made out the new grand jury panel.

"Do you have a prejudice against Negroes serving on the grand jury?"

"I do not."

"Then why didn't you include the names of one or more Negroes in your grand jury panel?"

"I didn't know of any I thought qualified to serve."

"Isn't it true that it never occurred to you because of the sentiment that exists here?"

"No sir, that had nothing to do with it. I told you it was because I knew of none personally whom I thought qualified to serve. I tell you that I would not discriminate against any man because of his race, color or creed."

Judge Adams overruled both motions and selection of a jury began. The twelve men had been chosen at 2 p. m. Tuesday and taking of evidence in the case began later in the afternoon.

The state is being represented in the case by Assistant District Attorney Andrew Priest and Currie

McCutcheon as special prosecutor, employed by the dead woman's relatives.

Rosie Johnson, who resides near where the shooting occurred, testified she was sitting on her porch about 11 p. m., the night of July 2 when she heard a shot fired. She said she ran up toward Bonnie Kate Freeman's house and saw her run out on the porch with Elnora Carter behind her.

"I know Elnora when I see her," the Johnson woman testified. "She followed Bonnie Kate out on the porch and fired two more shots into her body. Then she pushed Bonnie Kate off the porch and jumped straddled of her body as she hit the ground. She still had the pistol in her hand. A small boy ran up and said 'don't shoot my aunt any more.'"

The witness said Elnora Carter then got up and walked away. A large crowd of people was attracted. They had carried the body back on the porch by the time the ambulance and police arrived, she said. The witness declared Elnora Carter was dead before the ambulance arrived.

Just what the defense will seek to prove had not been indicated. The state will contend it was cold blooded murder and will ask a stiff penitentiary, according to Prosecutor's Priest.

A verdict was not expected until the latter part of the week.

At each session of court the court room has been packed, most of the spectators being Negroes. The state and defense list of witnesses number about twenty.

*Fayette
Bonham, Tex
SEP 28 1927*

NEGROES ON THE JURY A SUBJECT NOT TALK APPEARS FROM THIS

ATTORNEYS CHARGE DISCRIMINATION AGAINST NEGROES FOR SERVICE

Attempts to quash the indictment and special venire panel in the Elnora Carter Murder case, up for trial Monday morning in Judge Grover Adams' court on the grounds that the negro population in Dallas was continuously being discriminated against in jury service, failed when Judge Adams overruled motion submitted by T. K. Irwin and L. J. Taylor, defense attorneys.

The Carter woman, a negress, is

because the statute had not been complied with in the care and custody of the jury wheel. They had J. Balie Finks, district clerk, testify. He said the law stipulates that he be given a key to the jury wheel. He said for several weeks Judge Claude McCallum kept the jury wheel in his possession and would not give him a key to it.

Deputy Smith, in charge of the central jury room, said that negroes are drawn nearly every week on the central jury panel. They usually come down and state they do not care to serve and they are excused, he explained.

Roger Tennant, one of the grand jury commissioners who selected the panel from which the present grand jury was drawn admitted that names of no negroes were considered when they prepared the panel. He said, on cross-examination, he had no prejudices against the negro because of race, color or creed.

Currie McCutcheon, as special prosecutor, and Assistant District Attorney Henry King are representing the state.

alleged to have shot and killed Bonnie Kate Freeman last July by shooting her with a pistol. The shooting took place on Henry street.

The motions submitted by Taylor and Irwin caused considerable comment around the courthouse. Testimony bearing on the allegations in the two motions, one to quash the indictment, the other to quash the special venire, was heard by nearly 200 negroes who packed Judge Adams' courtroom.

Antipathy Alleged

"Negroes are excluded from serving on the grand jury because of their race, color and previous condition of servitude," the motion to quash the indictment alleged. Also because Dallas county entertains among the white population a strong antipathy and prejudice against the negro race, and the last grand jury commission, under that same influence, discriminated against the negroes by failing to place any on the grand jury."

The two attorneys went even further. They set out that the district judges, in respect for social and political prejudices of the white people against negroes, habitually select no one for grand jury commissioners except white men."

Grand jury commissioners are three men named each quarter by a criminal district judge to select a new grand jury panel.

The attorneys asked the court to quash the indictment on these grounds. Judge Adams refused. Testimony was given by Grady Kennedy and Dave Smith, peace officers in Dallas County for many years, that so far as they know no negroes had ever been allowed to serve on the grand jury or as grand jury commissioners.

Taylor and Irwin sought to quash the special venire panel on the ground that it was illegally drawn,

Lawyers Who Raised Question of Negroes For Jury Service Now Have No Ground For Appeal to Higher Court. Sensational Plea Revives Memory of Case Carried to Higher Court by Negro Barrister of Galveston

Elnora Carter, who shot and killed Bonnie Kate Freeman the night of July 2, because she was a rival for the attentions of Willie Sigler, was given "another chance" by a jury in Judge Grover Adam's court when a verdict was brought in about 1 p. m. at a night court session Sept. 28.

The jury found the Carter woman guilty of murder and assessed a five year prison sentence, but invoked the suspended sentence law and agreed to suspend the sentence during the good behavior of the defendant.

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The defendant was represented by T. K. Irwin and L. J. Taylor, who raised the question during the trial of whether the indictment was valid in view of the fact that no Negroes are permitted to serve as grand jurors in Dallas county. These attorneys also attacked the special venire panel from which the jury was selected on like grounds, contending that Negroes are not even allowed to serve on juries when their names are drawn from the jury wheel.

Judge Adams overruled the motions to quash the indictment and special venire on these grounds and defense counsel excepted. Had a conviction resulted, they intended to carry this issue to the higher courts. If estoppel precludes the necessity of an appeal,

Back in 1898 a similar case was carried to the Supreme court on this issue and eventually was reversed and remanded for a new trial. It was the Zeth Carter murder case

out of Galveston. The case was carried up by Wilbur Smith, a Negro attorney.

The Carter woman was highly elated at the verdict, which was quite a surprise to Assistant District Attorney Andrew Priest who represented the state. He was aided in the prosecution by Currie McCutcheon as special prosecutor.

Negroes packed the courtroom at

each court session during the three day trial. When the arguments were made Wednesday night there was hardly standing room in the court room.

Much of the testimony was of a sensational nature. When the defendant took the stand in her own defense, Defense Counsel Taylor informed the court that the women present had better leave because it would be necessary to use some shocking language. Few women, however, left the courtroom. They seemed to want to stay and hear what the Carter woman had to say.

On the stand, Elnora admitted she had lived with Willie Sigler for nearly four years, although they were not married. She admitted she was living with him at the time of the killing, explaining that he turned his salary over to her every Saturday to pay the grocery bill and other household expenses. This testimony was to prove that they were common law man and wife by virtue of their keeping a home together over a period of years, regardless of the fact they were not married.

"On the night of the shooting, Willie came home drunk in Bonnie Kate's automobile and parked it in front of my house," the Carter woman testified. "I asked him where my pistol was and he said he left it up to Bonnie Kate's house on Henry street, which was about a half a block from where we lived. Willie went on to sleep and I went up to Bonnie Kate's house and knocked on the door.

Elnora said she then told Bonnie Kate she wanted to get her pistol that Willie left there. About that time she said she saw the pistol lying up on the chiffonier.

"We both saw it at the same time and started after it," said Elnora. "I got my hands on it first and Bonnie Kate tried to take it away from me. She hit me in the face and wrestled with me. During the struggle the pistol went off a time or two. Then we struggled out onto the front porch and fell out into the yard. The pistol went off again and I got up and ran.

"I didn't intend to kill Bonnie

Kate, the gun just went off accidentally while we were fighting for it."

She was given a grueling cross examination by Currie McCutcheon. He asked her about previous trouble she had been in. She frankly admitted she had been arrested many times.

It is believed the frankness of the Carter woman in admitting her activities impressed the jury. She made an excellent witness and could not be shaken from her story of how the shooting occurred by the state's prosecutors.

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NEW DECISION AS TO OLD ISSUE.

JUDGE GROVER ADAMS of Dallas overruled the motion of a colored woman defendant to quash the indictment and the special venire panel upon the ground that negroes had been excluded from the grand jury and from said venire because of prejudice upon account of race and color. The issue is not new. Many years ago the United States Supreme Court held that such exclusion is illegal. But subsequently that tribunal decided adversely in appeals of like cases, upon the ground that discrimination on that ground had not been proven. It is something of a coincidence that the decision in a Texas case some thirty years ago was as to a colored woman named Carter and that the defendant in the case ruled upon by Judge Adams also is named Carter.